

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON DIVISION**

**The County Commission of Fayette County,  
West Virginia**, a political subdivision of the  
State of West Virginia,

Case No. 2:21-cv-00307

Plaintiff;

**Ex. Rel. Anthony Ciliberti, Esq., Fayette County  
Prosecuting Attorney**,

Relator;

v.

**National Grid NE Holdings 2 LLC**, a  
Massachusetts Limited Liability Company,  
*et al.*,

Defendants

**NATIONAL GRID NE HOLDINGS 2 LLC’S MOTION TO DISMISS CONTINENTAL  
INSURANCE COMPANY’S SECOND CROSS-CLAIM**

PLEASE TAKE NOTICE that the undersigned attorneys for Defendant National Grid NE Holdings 2 LLC (“National Grid 2”) hereby move, pursuant to the federal abstention doctrine articulated in *Wilton v. Seven Falls Co.*, 515 U.S. 277 (1995) and *Brillhart v. Excess Ins. Co. of America*, 316 U.S. 491 (1942), and under Local Civil Rule 7.1, for an order dismissing without prejudice Continental’s second Cross-Claim filed in this action against National Grid 2. *See* ECF 30 at 59–62.

PLEASE TAKE FURTHER NOTICE that in support of this Motion, National Grid 2 will rely upon the Declaration of Francis J. Murphy and Exhibits 1–7 annexed thereto, and National Grid 2’s Memorandum of Law submitted herewith.

Dated: August 2, 2021

**National Grid NE Holdings 2 LLC**

By:

/s/Albert F. Sebok

Thomas J. Hurney, Jr. (WVSB #1833)

Albert F. Sebok (WVSB #4722)

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Holdings 2 LLC*

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**CERTIFICATE OF SERVICE**

I, Albert F. Sebok, counsel for National Grid NE Holdings 2 LLC, do certify that on August 2, 2021, I served the *National Grid NE Holdings 2 LLC's Motion to Dismiss Continental Insurance Company's Second Cross-Claim* via this Court's CM/ECF electronic filing system, which delivered electronic notice of this filing to all e-filing participants in this action.

/s/ Albert F. Sebok

Albert F. Sebok (WVSB #4722)